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HUMAN RIGHTS COMMITTEE
Sixty-eighth session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE FOURTH PERIODIC REPORT OF MONGOLIA (CCPR/C/103/Add.7)

Adopted by the Human Rights Committee on 4 November 1999

1. What is the effect of article 10 (1) of the Constitution regarding the direct application of the Covenant in domestic law? Please give examples of cases where the Covenant has been invoked by litigants or where Covenant rights have been relied on by the courts (art. 2.2).

2. What remedies are available to persons in Mongolia who establish that their human rights have been violated? What judicial, administrative or other competent authorities decide whether such a violation has occurred? How are remedies enforced (art. 2.3)?

3. Please report on the process of and progress in establishing a national institution to monitor the implementation of human rights in Mongolia.

4. What measures have been taken to ensure that women can enjoy equality in terms of participation in the work force, education and public life (see report of Mongolia, para. 18) (art. 3)? Please provide information on the incidence of violence against women, including domestic violence, and on measures taken to combat such abuse.

5. Who can institute criminal proceedings for discrimination of the sort described in paragraph 17 of the report of Mongolia? What remedy do such proceedings offer to the victim? Are any civil or administrative procedures available to provide remedies? If so, please give details (report, paras. 10-19 and 103) (arts. 3 and 26).

6. Has any law been passed to govern states of emergency and martial law? What guarantees are in place to ensure that none of the rights from which derogation is forbidden under article 4 of the Covenant are infringed (report, para. 21)?

7. In how many cases since January 1992 has the death penalty been carried out and for what offences? What system exists for appeal against a death sentence? What is the procedure for seeking exercise of the President's power to commute death sentences? How often has it been exercised since 1992 and what has been the alternative penalty substituted (art. 6)?

8. In cases of pre-trial detention in police custody or elsewhere, what regimes govern the treatment of detainees, especially in relation to diet? Please explain what system exists to carry out independent inspections of such establishments and conditions in them. What procedure exists for detainees to complain about ill-treatment (art. 7)?

9. What sanctions have been imposed on police or prison officers since 1990 for breaches of:

Article 19 of the Criminal Code (prohibition of punishment of an inhumane, cruel or degrading nature);

Article 193.2 of the Criminal Code (abuse of authority) (report, para. 30)?

In how many cases has compensation been awarded to persons for abuses committed by officials, under the provisions of the 1990 Law on the Elimination of Damage Inflicted on Citizens due to Illegal Actions of Courts, Prosecution, Investigation and Inquiry Agencies (report, para. 31) (art. 7)?

10. What requirements exist to bring a detained person promptly before a judge or other authorized judicial officer? Are such cases subject to regular review as to the justification for continued detention? Please provide the most recent statistics for the length of pre-trial detention (art. 9.3).

11. What progress has been made on revision of article 11.3 of the Law on the Prison Service and Custodial Sentencing? Is there still a link between the wages a prisoner can earn and the food and other services which he or she may receive? What are the most recent statistics on deaths of prisoners from malnutrition and disease (art. 10)?

12. What appeal procedure is available against a decision of the Council for Foreign Citizens' Matters to expel an alien from Mongolia? What are the statistics for expulsions since 1995 (report, para. 53) (art. 13)? What is the membership of the Council and what appeal procedure is available against a decision of the Council to expel an alien from Mongolia?

13. Please explain in much greater detail the way in which the court system complies with all the provisions of article 14 of the Covenant and, in particular, what guarantees are in place for the independence of the judiciary?

14. What remedy is available to a person who successfully invokes the Law on Personal Secrecy (report, paras. 61 and 63)? How is any such remedy enforced (art. 17)?

15. Following the decision of the Constitutional Court on 12 January 1994, what is the present law on freedom of thought, conscience and religion (report, para. 69) (art. 18)?

16. Other than provisions in place for the Kazakh population in the Bayan-Ulguiy province (report, paras. 107 and 108), what rights are guaranteed to persons belonging to ethnic, religious and linguistic minorities, such as Chinese, Uzbeks and Uighurs (art. 27)? How are such rights protected in law and practice.

17. What training in human rights protection is given to the judiciary and the legal profession, to the police, prison officers and government officials? Do the curricula in schools and universities include education on human rights?

18. Please indicate the steps taken to disseminate information on the report, its consideration by the Committee and, in particular, the Committee's observations.